

Message Text

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC NIACT IMMEDIATE 9486

INFO AMCONSUL BOMBAY IMMEDIATE

AMCONSUL CALCUTTA IMMEDIATE

AMCONSUL MADRAS IMMEDIATE

AMEMBASSY ISLAMABAD IMMEDIATE

C O N F I D E N T I A L NEW DELHI 8494

E.O. 11652: GDS

TAGS: PINS, IN

SUBJECT: GOI EXPLANATION OF THE EMERGENCY: BRIEFING
BY THE FOREIGN SECRETARY.

SUMMARY. THE FOREIGN SECRETARY INVITED ME IN LATE THIS AFTERNOON TO EXPLAIN THE GOVERNMENT POSITION ON THE EMERGENCY. THE GIST OF HIS REMARKS WAS THAT GOI ACTION HAD BEEN TAKEN IN ACCORDANCE WITH THE CONSTITUTION TO DEAL WITH A SERIOUS CHALLENGE TO LAW AND ORDER AND THAT IT WOULD HAVE TO BE CONFIRMED BY PARLIAMENT WITHIN TWO MONTHS. END SUMMARY.

1. FOREIGN SECRETARY KEWAL SIGNH CALLED ME IN THIS AFTERNOON (JUNE 26) AT 5 P.M. TO BRIEF ME ON THE EMERGENCY. HE STARTED OUT BY SAYING THAT IN VIEW OF OUR FRIENDLY RELATIONS HE WANTED TO GIVE ME THE BACKGROUND OF TODAY'S EVENTS AND GIVE ME AN OPPORTUNITY TO ASK QUESTIONS ABOUT THEM. HE THEN WENT TO GREAT LENGTHS TO EXPLAIN THAT THE PROCLAMATION OF AN EMERGENCY IN INDIA DID NOT CONSTITUTE SUPPRESSION OF DEMOCRATIC INSTITUTIONS AS IT DID IN CERTAIN OTHER COUNTRIES. IT WAS PROVIDED FOR UNDER THE INDIAN CONSTITUTION. EVEN BEFORE THIS DECLARATION THERE HAD ALREADY BEEN AN EMERGENCY IN REGARD TO AN EXTERNAL DANGER (PUT
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INTO EFFECT) BUT THE PRESENT DECLARATION DEALS WITH A NEW DI-

MENSION, AN INTERNAL THREAT. HE THEN SAID WITH EMPHASIS, AND REPEATED THE STATEMENT LATER, THAT THE DECLARATION OF THE EMERGENCY MUST RPT MUST BE PLACED BEFORE THE PARLIAMENT WITHIN TWO MONTHS. IT WOULD THEN BE UP TO PARLIAMENT TO DECIDE TO EXTEND IT; IF IT DID NOT, THE EMERGENCY WOULD DIE.

2. KEWAL SINGH WENT ON TO EXPLAIN WHY THE GOI HAD CONSIDERED THE EMERGENCY NECESSARY. THE GOI DETERMINED THAT OPPOSITION PARTIES AND ELEMENTS HAD FORMULATED AND LAUNCHED PLANS TO CHALLENGE LAW AND ORDER IN INDIA. THERE HAD EVEN BEEN APPEALS TO THE ARMY AND THE POLICE NOT TO CARRY OUT THEIR FUNCTIONS. STRIKES AND DEMONSTRATIONS WERE PLANNED WHICH WOULD DISRUPT POLITICAL AND ECONOMIC LIFE IN INDIA. THERE WAS THE OPPORTUNITY FOR THE OPPOSITION TO WORK FROM WITHIN THE CENTRAL AND STATE LEGISLATURES, BUT IT WAS DETERMINED TO DISRUPT LAW AND ORDER. A MINORITY WOULD HAVE BEEN ABLE TO FLOUT THE WILL OF THE MAJORITY AS EXPRESSED IN PARLIAMENT. THIS, KEWAL SINGH SAID, WAS A CHALLENGE SO SERIOUS THAT NO GOVERNMENT COULD IGNORE IT.

3. CONCLUDING THE FOREIGN SECRETARY AGAIN SAID THAT HE HAD WANTED US TO KNOW THE CIRCUMSTANCES WHICH LED UP TO THE DECLARATION OF THE EMERGENCY AND ITS EXACT LEGAL STATUS. I REPLIED THAT WHILE I RECOGNIZED THAT THIS WAS ENTIRELY AN INTERNAL MATTER, I APPRECIATED HIS BRIEFING ME ON IT. IN RESPONSE TO HIS INVITATION TO ASK QUESTIONS, I LIMITED MYSELF TO THE SUBJECT OF HOW CENSORSHIP WOULD AFFECT THE FOREIGN PRESS, WHICH I AM REPORTING IN A SEPARATE MESSAGE.

4. COMMENT: WE UNDERSTAND FROM LAWYERS THAT IN FACT IF MRS. GANDHI DISSOLVES THE LOK SABHA (LOWER HOUSE) BUT GAINS AN ENDORSEMENT OF THE EMERGENCY FROM THE INDIRECTLY-ELECTED RAJYA SABHA (UPPER HOUSE), SHE CAN DEFER SUBMITTING THE EMERGENCY PROCLAMATION TO THE LOWER

HOUSE UNTIL ONE MONTH AFTER IT IS RECONVENED.
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